

Appl. No. 10/700,070

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JUL 10 2006**REMARKS/ARGUMENTS****Status of Claims**

Claims 1-39 were filed in the present application. These claims have been rejected under various rejections. As outlined above, Claim 13 has been canceled. Therefore, Claims 1-12 and 14-39 remain pending in this application.

Objections and Rejections

The Office objects to Claim 13 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have canceled this claim.

Claims 1-39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, Jr., US Pat. No. 5,185,010 ("Brown"), in view of Olson et al., US Pat. No. 5,916,205 ("Olson"). Applicants respectfully traverse this rejection.

The present invention relates to a tampon having a compressed absorbent structure having a liquid-resistant zone. The tampon has an introduction end and an opposite withdrawal end, and the tampon structure includes an absorbent material and an overwrap material disposed on the absorbent material. The absorbent material has a length, a width defined from a first edge corresponding to the introduction end of the tampon to a second edge corresponding to the withdrawal end of the tampon, and a thickness. The overwrap material has a length greater than the length of the absorbent material and a width generally corresponding to the width of the absorbent material. The overwrap material further comprises a liquid-permeable zone and a liquid-resistant zone, and the liquid-resistant zone of the overwrap material forms a fold over the second edge of the absorbent material.

Brown purports to disclose an absorbent material wound in a spiral configuration. The outermost winding of the spiral has a liquid permeable overwrap material disposed thereon, a portion of said overwrap being folded over the edge of the spiral which corresponds to the withdrawal end of the tampon and adhered to the inside surface of the outermost winding. The overwrap appears to cover less than the length of the absorbent material.

Osborn purports to disclose an interlabial absorbent device. The device has an absorbent core a topsheet, an impermeable backsheet, and flexible extensions attached thereto.

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The Office Action argues that Brown discloses a tampon formed from absorbent material and a liquid-permeable plastic overwrap having a width generally corresponding to the width of the absorbent material. The absorbent material and overwrap are wound spirally to form a tampon. The Office admits that Brown fails to teach or disclose the use of a liquid-resistant zone in the overwrap. To address this failure, it argues that Osborn teaches an absorbent device with an absorbent core, a topsheet, and an impermeable backsheet. It argues that since the topsheet and backsheet are joined together, one of ordinary skill in the art would be capable of repositioning this joined structure so as to be disposed between topsheet and core. Thus, the Action posits that this structure renders the presently claimed invention unpatentable as it merely results from a rearranging of known elements, involving only routine skill in the art.

Applicants respectfully disagree and submit that the cited references fail to teach or suggest all of the elements of the presently claimed invention. First, Applicants respectfully submit that the Action fails to show where the cited references teach all of the claim elements. It alleges that Brown teaches a tampon formed from absorbent material and a liquid-permeable plastic overwrap having a width generally corresponding to the width of the absorbent material. However, there is no indication that the overwrap has a length greater than the length of the absorbent material, and there is no indication where Osborn teaches that a liquid-resistant zone of the overwrap material should form a fold over the second edge of the absorbent material of Brown. For this reason, Applicants respectfully submit that the Action fails to provide a prima facie case of obviousness of the pending claims.

Second, there is no teaching or suggestion in the references, individually or in combination, to form a tampon having a liquid-resistant base. The structure of Osborn is significantly different than that of Brown. The impermeable backsheet of Osborn extend along the length and height of its absorbent structure, leaving only the top surface exposed. In contrast, the overwrap of Brown covers substantially all of the sides and base of the tampon. If the impermeable backsheet of Osborn simply replaced the overwrap of Brown, a simple rearrangement of elements under the language of the Action, it would prevent fluids from entering the side surfaces of the Brown tampon, significantly limiting its ability to act in a desired manner. If one were to insert the impermeable backsheet of Osborn between its absorbent core and topsheet, it would also restrict fluid flow into the absorbent core. Therefore,

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there is no teaching or suggestion in either reference to combine the features disclosed in the manner suggested in the Action, let alone claimed in the pending claims.

Applicant respectfully points out that the presently claimed invention is inventive over Brown in view of Osborn. Neither reference discloses limitations in the pending claims, and the modifications to Brown according to the teaching of Olson would reduce the efficacy of Brown's tampon. Reconsideration and withdrawal of this rejection are respectfully requested.

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. Applicants look forward to an early notice of allowance for this application.

Respectfully submitted,

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